

Application No. 10/012,003
Amdt. Dated May 2, 2003
Reply to Office action of Oct. 29, 2003
Attorney Docket FLO745

REMARKS

This paper addresses the issues raised in the Office Action mailed 03 January 2003, and the Notice of Non-Compliant Amendment (Voluntary Revised Practice) mailed 11 April 2003. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1 and 16-28 are currently pending. The claims were objected due to not being in proper numerical sequence. Claim 1, 16, 19-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Walzer (USPN 4,199,469). Claims 1, 16-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vermeer, et. al. (Vermeer) (USPN 5,750,733). Claim 1 has been amended. No new matter has been added. New Claim 29 has been added. No new matter has been added. As set out below, Applicant respectfully submits that the present invention as claimed is patentable over the cited art and urges the Examiner to reconsider the pending rejections.

Claims Objection

The Applicant recognizes the mis-numbering of the claims and is appreciative of the Examiner for correcting this oversight.

Specification

The Examiner indicated that the title of the present application was not clearly indicative of the invention to which the claims are directed. The Applicant respectfully submits the title has been amended as set out above. It is believed this amended title conforms with the necessary descriptive requirements.

Claims Rejection – 35 U.S.C. § 102(b)

Examiner Ogden has rejected Claims 1, 16, 19-28 under 35 U.S.C. § 102(b) as being anticipated by Walzer. Claim 1 has been amended to more fully describe the inventive

Application No. 10/012,003
Amtdt. Dated May 2, 2003
Reply to Office action of Oct. 29, 2003
Attorney Docket FLO745

composition. No new matter has been added. The amendment to Claim 1 was the addition of the limitations contained in Claims 17 and 18. The Walzer reference does not include a disinfectant from the group of peracidic acid and hydrogen peroxide. It is respectfully submitted that neither Claim 1, as amended, nor the dependant claims 16, 19-28, are anticipated by the cited reference. Reconsideration of the rejection is respectfully requested.

Claims Rejection – 35 U.S.C. § 103(a)

Examiner Ogden has rejected Claims 1, 16-28 under 35 U.S.C. § 103(a) as being unpatentable over Vermeer. It is respectfully submitted that the cited reference does not render the present invention, as claimed, unpatentable. Reconsideration is thus requested.

Vermeer discloses a foaming composition for use with laundry detergent and personal hygiene. This composition is created from naturally occurring, organic compounds. More specifically, the composition is directed toward a “class of environmentally friendly ‘green’ nonionic carabohydrate based surfactant.” (Vermeer, Col. 5, Lines 20-21)

The present invention, as claimed, is distinctive from the composition of Vermeer. The present invention is not an organically created composition. Further, the composition does not creates a foam in order to clean the target surface. These differences are significant in that the Vermeer composition is directed toward a household product, whereas the present invention, is directed toward an industrial product. The present invention, as claimed, includes various acids of the type that are not to be used in laundry detergents or personal care products.

It is submitted that the Vermeer composition is directed toward a different composition make- up (organic v. non-organic), a different application (household use v. industrial use) and utilizes a different cleaning action (foaming or sudsing v. spraying) than that of the present

Application No. 10/012,003
Amdt. Dated May 2, 2003
Reply to Office action of Oct. 29, 2003
Attorney Docket FLO745

invention, as claimed. Accordingly, it is respectfully submitted that the present invention is not rendered not patentable over Vermeer. Reconsideration is respectfully requested.

New Claim 29

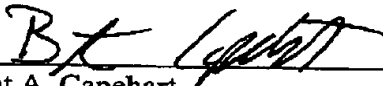
New Claim 29 has been added. No new matter has been included. The terminology of this claim disclosed inherent aspects of the components making up the composition. For example, the components of the disinfectant portion, i.e. peracetic acid and/or hydrogen peroxide, acts as an activator for the acids in the cleaning solution portion. These components also act as a disinfectant. Accordingly, it is submitted that no new matter has been added and this claim is patentable over the prior art.

Based on the above, Applicant respectfully submits that the application is in condition for registration and reconsideration is requested. If the Examining Attorney has any questions or comments or if further clarification is required, it is requested that he contact the undersigned at the below listed telephone number.

It is understood there is no fee due at this time and thus none is attached. However, should a fee deficiency have occurred, please contact the undersigned.

Application No. 10/012,003
Amdt. Dated May 2, 2003
Reply to Office action of Oct. 29, 2003
Attorney Docket FLO745

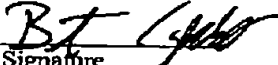
Respectfully submitted,


Brent A. Capehart May 2, 2003
Registration No. 39,620
PTO Customer No. 34487
Capehart Law Firm, PLLC
1861 East 15th Street
Tulsa, OK 74104
Tel: (918) 747-4600
Fax: (918) 747-0660
E-mail: bcapehart@capehartlaw.com

CERTIFICATE OF FACSIMILIE UNDER 37 CFR 1.08/1.10

I hereby certify that this document and any document referred to as being attached therein is being send via facsimile to fax number (703) 872.9310 and being addressed to: Box Amendments, Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231, on May 2, 2003.

Brent A. Capehart
Name


Signature